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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

MICHAEL JOSEPH GORDON,

Case No. BK-S-17-10066-gs

Chapter 11

Hearing Date: N/A

Hearing Time: N/A

EX PARTE MOTION TO REOPEN CASE NO. 17-10066-gs

MICHAEL JOSEPH GORON ("Reorganized Debtor"), by and through counsel Goldsmith & Guymon, P.C., hereby submits this Motion to Reopen Case No. 17-10066-gs. This Motion is based upon Sections 350(b) and 1112(a) of Title 11 of the United States Code ("Bankruptcy Code"), Rule 5010 of the Federal Rules of Bankruptcy Procedures ("Bankruptcy Rules"), the papers and pleadings on file herein, and the points and authorities submitted herewith, the Declaration of Michael Joseph Gordon, and any arguments made by counsel at hearing.

DATED this 20 day of November, 2020.

GOLDSMITH & GUYMON, P.C.

Marjorie A. Guymon

MARJORIE A. GUYMON, ESQ.
Nevada Bar No. 4983
2055 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Debtor

MEMORANDUM OF POINTS AND AUTHORITIES

I.

JURISDICTION

1. This Court has jurisdiction over this case and this instant Motion pursuant 11 U.S.C. §350(b), and 28 U.S.C. §§157(b)(2)(A) and 1334.

II.

STATEMENT OF FACTS

2. On January 6, 2017, Reorganized Debtor filed his voluntary petition for relief under Chapter 11 of the Bankruptcy Code, Dckt. No. 1, thereby commencing the above-captioned bankruptcy case (the “Chapter 11 Case” or “Case”).
3. On June 11, 2018, this Court entered an Order Confirming Plan, Dckt. No. 169 (“Confirmation Order” and the “Plan”).
4. On August 28, 2018, the Court entered an Order Entering Final Decree, Dckt. No. 192.
5. Reorganized Debtor has been unable to perform under the Plan.
6. Reorganized Debtor has since acquired additional assets and incurred additional debts.
7. No individual discharge has been entered in this case.
8. Said Reorganized Debtor therefore now petitions the Court to reopen the case for purposes of converting his Chapter 11 Case to one under Chapter 7, to update his schedules and statements, and obtain his individual discharge.

III.

LEGAL ARGUMENT

Bankruptcy Code Section 350(b) and Bankruptcy Rule 5010 authorize this Court to reopen a previously closed case “to accord relief to the debtor”. 11 U.S.C. §350(b).

Reorganized Debtor seeks to convert his Chapter 11 case to one under Chapter 7 due to his inability to complete his Plan and his increased obligations since closing his Chapter 11 case. Bankruptcy Code Section 1112(a) allows a debtor to convert a case:

...

...

1 “to a case under chapter 7 of this title unless—

- 2 (1) the debtor is not a debtor in possession;
3 (2) the case originally was commenced as an involuntary case under this chapter; or
4 (3) the case was converted to a case under this chapter other than on the debtor’s request.

5 Pursuant to the Declaration of Michael Joseph Gordon, he seeks this Court’s order reopening
6 his case to allow him to convert to a Chapter 7.

7 IV.

8 CONCLUSION

9 WHEREFORE, for the foregoing reasons, Michael Joseph Gordon request that this Court
10 enter an order reopening his case in the form as set forth in the proposed order attached hereto as
11 Exhibit B.

12 DATED this 20 day of November, 2020.

13 **GOLDSMITH & GUYMON, P.C.**

14 *Marjorie A. Guymon*

15 MARJORIE A. GUYMON, ESQ.
16 Nevada Bar No. 4983
17 2055 Village Center Circle
18 Las Vegas, Nevada 89134
19 Attorneys for Debtor
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EXHIBIT A

DECLARATION OF MICHAEL JOSEPH GORDON

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DECLARATION OF MICHAEL JOSEPH GORDON

COMES NOW MICHAEL JOSEPH GORDON, having been duly sworn upon his oath,
under penalties of perjury, and states as follows:

1. I am the individual reorganized debtor in Case No. 17-10066, and have personal knowledge of the facts contained herein, except those asserted upon information and belief, and as to those I believe them to be true.
2. I have read the accompanying Motion to Reopen Case No. 17-10066 and agree with the contents therein.
3. I am requesting that this Court reopen my individual chapter 11 case for the purpose of converting to a chapter 7 as I am unable to comply with the terms of the confirmed plan.

DATED this _____ day of November, 2020.


MICHAEL JOSEPH GORDON

EXHIBIT B
PROPOSED ORDER

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

MICHAEL JOSEPH GORDON,

Case No. BK-S-17-10066-gs
Chapter 11

Hearing Date: N/A
Hearing Time: N/A

EX PARTE ORDER GRANTING MOTION TO REOPEN CASE NO. 17-10066-gs

MICHAEL JOSEPH GORON ("Reorganized Debtor"), by and through counsel Goldsmith & Guymon, P.C., having filed his Ex Parte Motion to Reopen Case No. 17-10066-gs; the Court having jurisdiction over this case and the Motion pursuant to 11 U.S.C. §350(b), and 28 U.S.C. §§157(b)(2)(A) and 1334 of Title 11 of the United States Code, based upon the pleadings on file herein, the Declaration of Reorganized Debtor, and for good cause appearing,

IT IS HEREBY ORDERED that the Chapter 11 case number 17-10066-gs shall be reopened;

CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that order accurately reflects the court's ruling and that (check one):

 X The court has waived the requirement of approval under LR 9021.

 No party appeared at the hearing or filed an objection to the motion.

 I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or is approved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

 I certify that this is a case under Chapter 11 that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

IT IS SO ORDERED.

/s/ Marjorie A. Guymon
Marjorie A. Guymon, Esq.
Counsel for Debtor

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